

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
The Uniendo a Puerto Rico Fund and the Connect
USVI Fund
WC Docket 18-143

ORDER

Adopted: November 2, 2020

Released: November 2, 2020

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. By this Order, the Wireline Competition Bureau (Bureau) dismisses as moot Blackburn Technologies, LLC's (Blackburn) petition for reconsideration of the order denying waiver of the eligibility rule for participation in the Uniendo a Puerto Rico Fund Stage 2 competitive process, and separate petitions for waiver of certain Stage 2 application rules from Aeronet Wireless Broadband LLC (Aeronet) and Critical Hub Networks, Inc (Critical Hub).

II. BACKGROUND

2. On August 6, 2020, the Bureau released a public notice announcing the application window for the Stage 2 competitive process for the Uniendo a Puerto Rico Fund and the Connect USVI Fund. As provided by the public notice, all applicants were required to submit complete applications by September 3, 2020.

3. On June 29, 2020, Blackburn requested waiver of the eligibility requirement for the Uniendo a Puerto Rico Fund. The Bureau denied Blackburn's petition on August 24, 2020, concluding that Blackburn failed to demonstrate good cause to deviate from the rule requiring prospective applicants to file a FCC Form 477 as of June 2018 and that the public interest is best served by requiring applicants to offer service to all locations in geographic areas in which applicant's proposed to serve in Puerto Rico. On August 26, 2020, Blackburn filed its petition for reconsideration of the Blackburn Waiver Denial Order.

1 Petition for Reconsideration of Blackburn Technologies II, LLC, WC Docket No. 18-143 (filed Aug. 26, 2020) (Blackburn Reconsideration Petition).

2 Request for Limited Waiver of Aeronet Wireless Broadband, LLC (Sept. 3, 2020) (Aeronet Application Waiver), on file with WCB.

3 Request for Temporary Waiver of Letter of Credit Commitment Letter and Authority to File Alternative Schedule Bs Based on Funding Commitments of Critical Hub Networks (Sept. 3, 2020) (Critical Hub Application Waiver), on file with WCB.

4 Wireline Competition Bureau Announces Application Window for Stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund, Public Notice, WC Docket No. 18-143, DA 20-844 (rel. Aug. 6, 2020).

5 Id. at 1.

6 The Uniendo a Puerto Rico Fund and Connect USVI Fund, Order, WC Docket No. 18-143, DA 20-929 (rel. Aug. 24, 2020) (Blackburn Waiver Denial Order).

7 See Blackburn Reconsideration Petition.

4. On September 3, 2020, the Bureau received applications from carriers proposing to serve geographic areas in Puerto Rico and the U.S. Virgin Islands.<sup>8</sup> Blackburn submitted an application for support in Puerto Rico pending its petition for reconsideration of the Bureau's decision not to waive the eligibility requirement for participation in the Stage 2 competitive process.<sup>9</sup> Aeronet submitted an application for Puerto Rico along with a petition for waiver requesting the Bureau use an alternative methodology for determining network miles for fixed wireless networks when considering applications.<sup>10</sup> Critical Hub also submitted an application and a petition for waiver requesting more time to submit an additional letter of credit bank commitment letter and asking to be able to amend its application to serve additional areas of Puerto Rico after the application deadline.<sup>11</sup>

### III. DISCUSSION

5. On November 2, 2020, the Bureau released a public notice announcing the winning proposals for the Stage 2 competitive process of the Uniendo a Puerto Rico Fund.<sup>12</sup> None of the proposals from Blackburn, Aeronet or Critical Hub received the lowest, winning aggregate score based on price, network performance, and resiliency and redundancy, nor would any of the proposals have received the lowest, winning aggregate score based on price, network performance, and resiliency and redundancy, even if their respective petitions were granted. Accordingly, we dismiss as moot all three petitions.<sup>13</sup>

### IV. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED that, pursuant to the authority found in Sections 1, 4(i), 5(c), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, 1.106 that this Order IS ADOPTED.

7. IT IS FURTHER ORDERED that the Petition for Reconsideration of Blackburn Technologies II, LLC filed on August 26, 2020 is DISMISSED.

8. IT IS FURTHER ORDERED that the Request for Limited Waiver of Aeronet Wireless Broadband, LLC filed on September 3, 2020 is DISMISSED WITHOUT PREJUDICE.

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<sup>8</sup> *Wireline Competition Bureau Announces Applications Submitted to Participate in the Uniendo a Puerto Rico Fund and Connect USVI Fund Stage 2 Fixed Competitive Proposal Process*, Public Notice, WC Docket Nos. 18-143 et al., DA 20-1090 (rel. Sept. 18, 2020).

<sup>9</sup> *Id.* at n.5.

<sup>10</sup> See Aeronet Application Waiver.

<sup>11</sup> See Critical Hub Application Waiver.

<sup>12</sup> *Wireline Competition Bureau Announces Winning Applicants for Uniendo a Puerto Rico Fund Stage 2 Competitive Process*, Public Notice, WC Docket Nos. 18-143, 10-90, DA 20-1299 (rel. Nov. 2, 2020).

<sup>13</sup> Although the Bureau dismisses the petitions for waiver from Aeronet and Critical Hub as moot, we do so without prejudice because these applicants submitted otherwise completed applications prior to the deadline and, in the event a winning applicant defaults prior to its authorization for support, the Bureau reserves the right to consider on the merits the waiver requests filed by Aeronet and Critical Hub. If necessary to determine the next-in-line applicant, the Bureau will contact the applicants to renew their respective petitions.

9. IT IS FURTHER ORDERED that the Request for Temporary Waiver of Letter of Credit Commitment Letter and Authority to File Alternative Schedule Bs Based on Funding Commitments of Critical Hub Networks, Inc. filed on September 3, 2020 is DISMISSED WITHOUT PREJUDICE.

10. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith  
Chief  
Wireline Competition Bureau